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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,508	06/28/2001	Arturo A. Rodriguez	A-7371	7438

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPT. MS 4.3.518
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LAWRENCEVILLE, GA 30044

EXAMINER

MISIASZEK, MICHAEL

ART UNIT	PAPER NUMBER
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3625

MAIL DATE	DELIVERY MODE
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02/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/894,508	Applicant(s) RODRIGUEZ ET AL.	
	Examiner Michael Misiaszek	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,10-39,62 and 63 is/are pending in the application.
- 4a) Of the above claim(s) 62 and 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7 and 10-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

The examiner for this application has changed. Please indicate Examiner Michael Misiaszek as the examiner of record in all future correspondences.

Response to Amendment

Applicant's amendments filed 9/15/2008 have been received and reviewed. The status of the claims is as follows:

Claims 1, 3, 7, 10-39, 62, and 63 are pending. Claims 62 and 63 are herein withdrawn from consideration.

Election/Restrictions

Newly submitted claims 62 and 63 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions in claims 1, 3, 7, and 10-39 and in claims 62-63 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination in claims 62-63 has separate utility such as providing a graphics user interface to an administrator. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 62 and 63 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 7, and 10-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. (US 5,960,411, hereinafter Hartman) in view of Beck et al. (US 6,138,139, hereinafter Jacobi).

Hartman teaches a method in a media service system for transaction configuration, the method comprising the steps of: selecting by a user of at least one transaction configuration option from among a plurality of transaction configuration options presented to the user, wherein each transaction configuration option defines one or more actions that take place during the purchase of an item or service when the user utilizes at least one client device to complete a purchase; and implementing at least one transaction process responsive to the user indicating a desire to purchase an item or service utilizing the at least one client device from among a plurality of transaction processes comprising pre-configured transaction processes and user defined transaction processes, wherein at least one user defined transaction process comprises the user selected at least one transaction configuration option, wherein at least one transaction configuration option comprises a single execution transaction option that enables the user to initiate and complete an entire purchase in one execution (col. 3, lines 46-66; col. 4, lines 24-38).

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Hartman does not explicitly teach that the administrator enables the selection of the transaction configuration or that the configuration options are presented to the user by the administrator. Beck teaches that it is known to include an administrator enabling selection of transaction options and presenting transaction options to a user (at least column 14, lines 49-45 and column 16, lines 25-37: administrator enables and creates web page that presents ordering options to user) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hartman, with the administrator enabling and presenting, as taught by Beck, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

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Hartman further discloses wherein the one execution is the depression of a remote button (col. 4, lines 31-38), wherein the at least one transaction process is executed by at least one client device when a subscriber utilizes the at least one client device to complete a purchase (Figure 2, "220"; col. 5, lines 56-66), wherein the at least one transaction configuration option is a PIN option and wherein the implementing step implements the transaction process responsive to at least one selection of the PIN option requiring a correct PIN entry to complete a transaction (col. 5, lines 24-26), wherein the correct PIN entry enables a single execution transaction, the single execution transaction enabling a subscriber to initiate and complete an entire purchase in one execution (col. 5, lines 24-26), wherein the at least one transaction configuration option is a subscriber login option, and wherein the implementing step implements the transaction process responsive to at least one selection of the subscriber login option, wherein the subscriber login option requires at least one subscriber login to complete a transaction (col. 5, lines 24-26).

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Hartman does not explicitly disclose wherein the user is enabled to make at least one selection of a plurality of particular transaction configuration options included in at least one pre-configured transaction process, the at least one selection causing at least one plurality of particular transaction configuration options to be removed from the pre-configured transaction process. Beck teaches that it is known to include an removing a transaction option from the transaction process (at least column 16, lines 38-47: on-line viewer used and video presentation not used in transaction process) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hartman, with the transaction options, as taught by Beck, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

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Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael A. Misiaszek
Patent Examiner
2/2/2009